

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
 (Chapter II of the Patent Cooperation Treaty)  
 (PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>MERL/20401740/JW/int</b>	<div style="display: flex; justify-content: space-between;"> <span><b>FOR FURTHER ACTION</b></span> <span>See Form PCT/IPEA/416</span> </div>	
International application No. <b>PCT/SG2004/000407</b>	International filing date (day/month/year) <b>13 December 2004</b>	Priority date (day/month/year) <b>31 March 2004</b>
International Patent Classification (IPC) or national classification and IPC  Int. Cl.  <b>A61F 2/06 (2006.01)</b>		
Applicant <b>MERLIN MD PTE LTD et al</b>		
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <b>5</b> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <b>4</b> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). 4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I      Basis of the report <input type="checkbox"/> Box No. II     Priority <input type="checkbox"/> Box No. III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV    Lack of unity of invention <input checked="" type="checkbox"/> Box No. V     Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI    Certain documents cited <input checked="" type="checkbox"/> Box No. VII   Certain defects in the international application <input type="checkbox"/> Box No. VIII   Certain observations on the international application		
Date of submission of the demand <b>27 January 2006</b>	Date of completion of this report <b>24 February 2006</b>	
Name and mailing address of the IPEA/AU <b>AUSTRALIAN PATENT OFFICE</b> <b>PO BOX 200, WODEN ACT 2606, AUSTRALIA</b> E-mail address: <b>pct@ipaustrialia.gov.au</b> Facsimile No. <b>(02) 6285 3929</b>	Authorized Officer  <b>Sue Thomas</b> Telephone No. <b>(02) 6283 2454</b>	

Form PCT/IPEA/409 (Cover sheet) (April 2005)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/SG2004/000407

Box No. I Basis of the report

1. With regard to the language, this report is based on:

☒ The international application in the language in which it was filed

☐ A translation of the international application into \_\_\_\_\_, which is the language of a  
translation furnished for the purposes of:

☐ international search (under Rules 12.3(a) and 23.1 (b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-18 as originally filed/furnished

pages\* received by this Authority on \_\_\_\_\_ with the letter of

pages\* received by this Authority on \_\_\_\_\_ with the letter of

☒ the claims:

pages as originally filed/furnished

pages\* as amended (together with any statement) under Article 19

pages\* 19-22 received by this Authority on 27 January 2006 with the letter of 27 January 2006

pages\* received by this Authority on \_\_\_\_\_ with the letter of

☒ the drawings: pages 1/10-10/10 as originally filed/furnished

pages\* received by this Authority on \_\_\_\_\_ with the letter of

pages\* received by this Authority on \_\_\_\_\_ with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

☐ the description, pages

☒ the claims, Nos. nil, page 23

☐ the drawings, sheets/figs

☐ the sequence listing *(specify)*:

☐ any table(s) related to the sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing *(specify)*:

☐ any table(s) related to the sequence listing *(specify)*:

*If item 4 applies, some or all of those sheets may be marked "superseded."*

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SG2004/000407

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims 1-38	YES
	Claims	NO
Inventive step (IS)	Claims 1-38	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-38	YES
	Claims	NO

## 2. Citations and explanations (Rule 70.7)

The invention is a medical device for insertion into a bodily vessel for treating an aneurysm, the device including an expandable, permeable and porous membrane positioned proximal to the aneurysm, the pores of the membrane and ratio of surface material to pores being sized to prevent blood supply to the aneurysm, and allow blood supply to perforators or microscopic branches of arteries to improve healing of the bodily vessel.

The nearest prior art of WO 2002/069783 A2 provides an expandable permeable membrane which isolates the aneurysm but is not sized to allow a blood supply to perforators or microscopic branches of arteries to improve healing of the vessel.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/SG2004/000407**Box No. VII** Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 4 (as amended 27 January 2006) and pages 3, 9, 12 and 15 of the description express some dimensions in inches instead of the required metric measure.